

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.753 of 2020

Arising Out of PS. Case No.-206 Year-2017 Thana- DARBHANGA District- Darbhanga

1. Akbar Ali @ Md. Akbar S/o Md. Islam R/o village- Abhanda, P.S.- Laheriasarai, District- Darbhanga
2. Mehraj Ali @ Mehraj Hussain S/o Md. Israil R/o village- Abhanda, P.S.- Laheriasarai, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

For the Opposite Party/s : Ms.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-02-2020 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition of petitioner no. 1, as during pendency of this case, petitioner no. 1 has already been arrested.

Prayer is allowed. The anticipatory bail petition of petitioner no. 1 is dismissed as withdrawn being infructuous.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in **Town P.S. Case No. 206 of 2017**, registered for the offence punishable under Section 380 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner



that petitioner has falsely been implicated in this case merely on suspicion. FIR is against unknown. Nothing has been recovered from possession of petitioner. Name of this petitioner has come in the confessional statement of co-accused Rahul Kumar. Save and except disclosure made by the co-accused, there is nothing against his petitioner.

Considering the facts aforesaid, Mehraj Ali @ Mehraj Hussain petitioner no. 2 in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Chief Judicial Magistrate, Darbhanga** in connection with **Town P.S. Case No. 206 of 2017**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be



cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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